

“* * * shall prescribe such rules and regulations * * * necessary to carry out * * * the provisions of the Act. The primary purpose of the regulations in this part is to prescribe policies, procedures, and requirements for conducting data and information-gathering activities associated with geological and geophysical (G&G) prospecting and scientific research in the OCS for minerals other than oil, gas, and sulphur. The regulations in this part do not apply to activities authorized under a mineral lease. Activities authorized under the regulations in this part do not give rise to any rights or interests in any OCS mineral discovered as a result of approved prospecting or scientific research activities.

§ 280.2 Definitions.

When used in this part, the following terms shall have the meaning given below:

Act means the OCS Lands Act, as amended (43 U.S.C. 1331 *et seq.*)

Adjacent State means with respect to any activity proposed, conducted, or approved under this part, any coastal State(s)—(1) That is used, or is scheduled to be used, as a support base for G&G prospecting or scientific research activities; or (2) in which there is a reasonable probability of significant effect on land or water uses from such activity.

Archaeological resource means any material remains of human life or activities that are at least 50 years of age and that are of archaeological interest.

Data means G&G facts and statistics or samples which have not been analyzed, processed, or interpreted.

Director means the Director of the MMS of the U.S. Department of the Interior or an official authorized to act on the Director's behalf.

Geological and geophysical (G&G) scientific research means any investigation conducted in the OCS for scientific research purposes which involves the gathering and analysis of G&G data and information which are made available to the public for inspection and reproduction at the earliest practicable time. This does not include scientific research related to oil, gas, and sulphur.

Geological sample means a collected portion of the seabed, the subseabed, or the overlying waters acquired while conducting prospecting or scientific research activities.

Governor means the Governor of a State or the person or entity lawfully designated to exercise the powers granted to a State Governor.

Information means G&G data that has been analyzed, processed, or interpreted.

Lease means one of the following, whichever is required by the context: Any form of authorization which is issued under section 8 or maintained under section 6 of the Act and which authorizes exploration for, and development and production of, specific minerals or the area covered by that authorization.

Material remains means physical evidence of human habitation, occupation, use, or activity, including the site, location, or context in which such evidence is situated.

Minerals has the same meaning as the term is defined in section 2(q) of the Act.

National Environmental Policy Act (NEPA) means the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*).

OCS minerals means any mineral found on or below the surface of the seabed but does not include oil, gas, or sulphur.

Of archaeological interest means capable of providing scientific or humanistic understanding of past human behavior, cultural adaptation, and related topics through the application of scientific or scholarly techniques, such as controlled observation, contextual measurements, controlled collection, analysis, interpretation, and explanation.

Outer Continental Shelf (OCS) means all submerged lands lying seaward and outside of the area of lands beneath navigable waters as defined in section 2 of the Submerged Lands Act (43 U.S.C. 1301) and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control.

Permit means the contract or agreement, other than a lease, approved pursuant to this part under which a person

acquires the right to conduct prospecting or scientific research activities.

Permittee means the person authorized by a permit issued pursuant to this part to conduct prospecting or scientific research activities in the OCS.

Person means a citizen or national of the United States; an alien lawfully admitted for permanent residency in the United States as defined in 8 U.S.C. 1101(a)(20); a private, public, or municipal corporation organized under the laws of the United States or of any State or territory thereof; and an association of such citizens, nationals, resident aliens, or private, public, or municipal corporations, States, or political subdivisions of States; or anyone operating in a manner provided for by treaty or other applicable international agreements. The term does not include Federal Agencies.

Prospecting activities means the gathering of any G&G data and information for the purpose of determining the feasibility of commercial recovery, which has as its objective the establishment and documentation of the nature, shape, concentration, location, and tenor of an OCS mineral resource. Such activities shall include (1) geophysical surveys where magnetic, gravity, seismic, or other systems are used to detect or imply the presence of minerals; and (2) the gathering through drilling or other means of geological samples which could be used for the purpose of discovering, characterizing, or evaluating OCS mineral deposits. Prospecting activities do not include G&G scientific research.

Secretary means the Secretary of the Interior or an official authorized to act on the Secretary's behalf.

Significant archaeological resource means those archaeological resources that meet the criteria of significance for eligibility to the National Register of Historic Places as defined in 36 CFR 60.4.

[53 FR 25256, July 5, 1988, as amended at 59 FR 53094, Oct. 21, 1994]

§ 280.3 Activities requiring a permit.

(a) No prospecting activities shall be conducted in the OCS without a permit approved by the Director pursuant to this part, unless such activities are

being conducted pursuant to authority contained in a lease issued or maintained under part 256 or part 281 of this title or unless such activities are conducted by a Federal Agency.

(b) No person may conduct G&G scientific research activities in the OCS without a permit approved by the Director pursuant to this part if the proposed activities include either: (1) The drilling of a borehole to a depth greater than 300 feet below the seafloor; or (2) the use of solid or liquid explosives.

(c) Any person may conduct G&G scientific research in the OCS without obtaining a permit pursuant to this part if—

(1) The activities will not interfere with or endanger operations under any lease or right-of-way maintained or issued pursuant to the Act;

(2) The activities will not be unduly harmful to aquatic life in the area; result in pollution; create hazardous or unsafe conditions; unreasonably interfere with other uses of the area; or disturb any site, structure, or object of historical or archaeological significance; and

(3) The person conducting the activities or operating the vessel from which the activities are to be conducted has consulted and coordinated the conduct of those activities with any other users of the area.

(d) The Director may orally approve plan revisions or issue emergency permits to accommodate unforeseen or special circumstances. Oral approvals given for a written application shall be followed with a written confirmation by MMS. In the event an oral approval is given in response to an oral request, the applicant shall confirm the oral request in writing within 72 hours of the approval.

§ 280.4 Term of permit.

Permits approved under this part shall be granted for a term not to exceed 3 years. The Director may extend the term of a permit for an additional period(s) of time not to exceed a total of 2 years when the Director determines that the additional time is appropriate based upon a showing of good cause by the permittee.